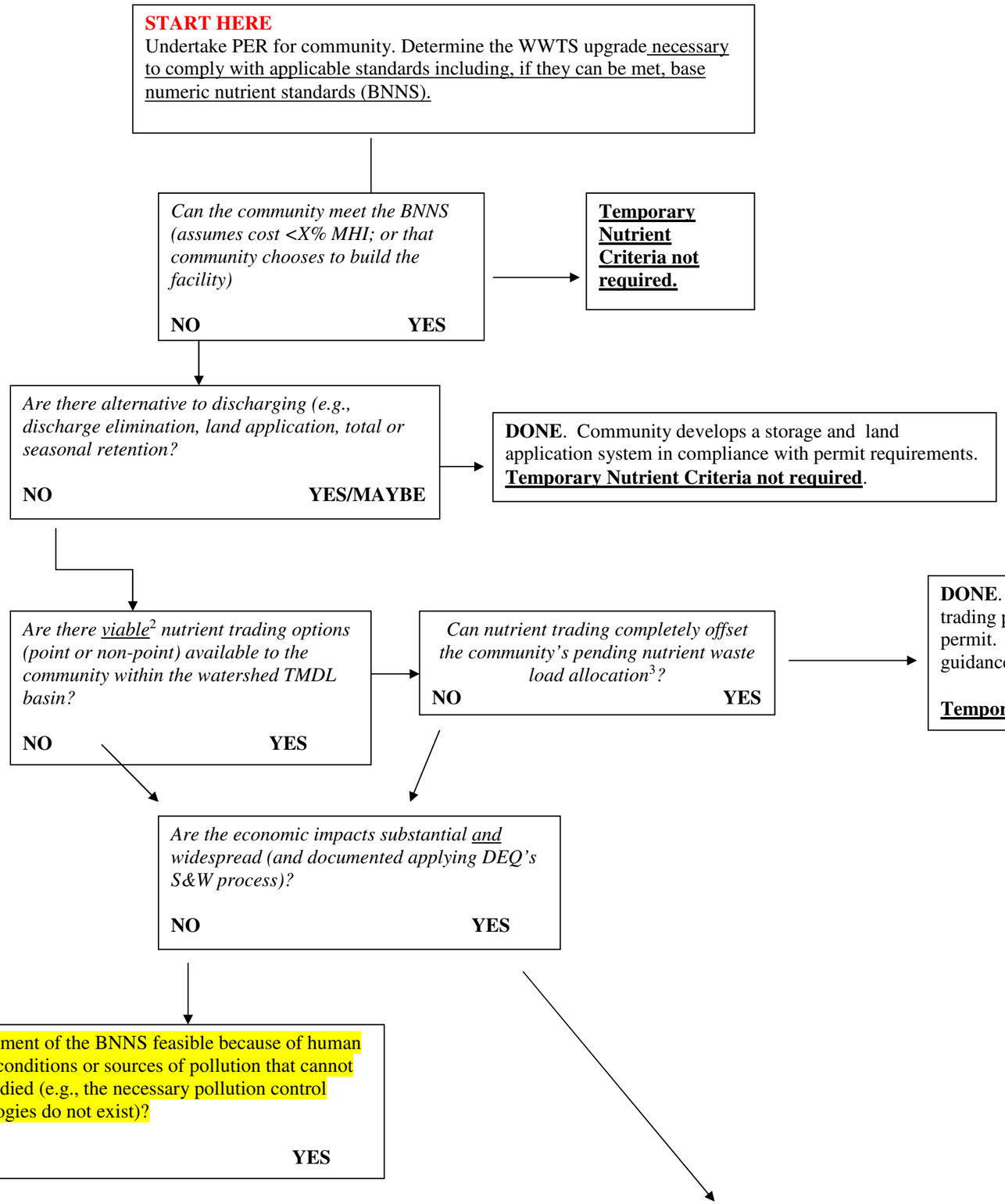
START HERE
Undertake PER for community. Determine the WWTS upgrade necessary to comply with applicable standards including, if they can be met, base numeric nutrient standards (BNNS).
Can the community meet the BNNS (assumes cost <X% MHI; or that community chooses to build the facility)
NO
YES
Temporary Nutrient Criteria not required.
Are there alternative to discharging (e.g., discharge elimination, land application, total or seasonal retention?
NO
YES/MAYBE
DONE. Community develops a storage and land application system in compliance with permit requirements. Temporary Nutrient Criteria not required.
Are there viable[2] nutrient trading options (point or non-point) available to the community within the watershed TMDL basin?
NO
YES
Can nutrient trading completely offset the community's pending nutrient waste load allocation[3]?
NO
YES
DONE. Community implements trading with point and/or non-point trading partner, and trade conditions are enforced in the MPDES permit. (see DEQ's trading policy and trading implementation guidance)
Temporary Nutrient Criteria are not required.
Are the economic impacts substantial and widespread (and documented applying DEQ's S&W process)?
NO
YES
Is attainment of the BNNS feasible because of human caused conditions or sources of pollution that cannot be remedied (e.g., the necessary pollution control technologies do not exist)?
NO
YES

Temporary nutrient criteria concentrations and load will then equate to the limits of technology (LOT).

Temporary Nutrient Criteria not required.

Community can apply for temporary nutrient criteria and may be eligible for temporary nutrient criteria (aka affordability variance from BNNS) based on economic hardship. Assuming the temporary criteria is granted, *what is the proposed project costs to meet the BNNS compared to the community's current %MHI?*

<1% >1%

Temporary nutrient criteria concentrations and load will then equate to the technology, ~~trading offset,~~ or combination solutions that would bring new user rates to about 1.0% MHI. Case-specific engineering considerations may make it hard to hit 1% MHI exactly, therefore the best solution may fall in the 0.95-1.5% MHI range. Must be approved by DEQ.

Temporary nutrient criteria set equal to concentrations and load from whatever their current WWTS produces. (Since this is already the process for handling listed waters, how does this improve what is already being done?

Resulting nutrient concentrations and load are adopted into rule by the Department after a public hearing.

"Second Generation" Variances (Should this be included?)

Actions falling within these large brackets will re-iterate until (a) the current (i.e., 1st or 2nd generation) set of temporary nutrient criteria sunset at 20 years, at which point DEQ will have to take a hard look and see if base numeric nutrient standards and the beneficial uses they are set to protect are really achievable in the waterbodies in question; or (B) base numeric nutrient standards have been achieved and the temporary nutrient criteria are no longer in place.

All variances must be reviewed not less than once every **three** years to determine whether new information supports revising or eliminating the variance.

At the time of the re-justification, are there reasonable[4] nutrient-removal technologies now available to install?

NO **YES**

Temporary nutrient criteria are deemed acceptable for the next 3 year interval.

Community must install the appropriate technology.

Will the new technology, after installation, achieve the base numeric nutrient standards?

NO **YES**

Community installs the technologies and the temporary nutrient criteria are removed from the books, since community is meeting the BNNS.

Temporary nutrient criteria no longer required.

Is the community's WWTS currently discharging at the limits of technology?

NO **YES**

Community granted 2nd-generation temporary nutrient criteria (cost-based, using current MHI) and these are adopted as Department rules after a public hearing.

Community granted 2nd-generation temporary nutrient criteria (based on current LOT) and these are adopted as Department rules after a public hearing.

MILESTONE: The WWTS upgrade so far considered may not be at LOT, and may not be substantial enough to cause substantial <u>and</u> widespread economic impacts either. Consider a more aggressive nutrient removal upgrade (i.e., expend more $$).

Does the revised WWTS under consideration now cause substantial and widespread economic impacts?

NO **YES**

Community is eligible for temporary nutrient criteria (aka variance from BNNS) based on demonstrated economic hardshi resulting from meeting the standards. Temporary nutrient criter concentrations and load will then equate to the technology, trading offset, or combination solutions that would bring new user rates to about 1% MHI. Case-specific engineering considerations may make it hard to hit 1% MHI exactly, therefore the best solution may fall in the 0.95-1.5% MHI range. Must be approved by DEQ.

<u>FOOTNOTES</u>

1. Cost in each of the scenarios refers to current user rates + additional rates after upgrade divided by community's median household income.

2. "Viable" means available and cost affective. It also means that there is all nonpoint source load allocations AND the waste load allocations would be met.

3. Both permits and the TMDL will set the waste load allocation as the WWTS's load that will meet the base numeric nutrient standards at the end of the mixing zone (or end of pipe if no dilution is available).

4. "Reasonable" means tested, readily installed, and not extremely expensive, i.e., the technology will not result in new user rates >> 1.0% of their current MHI.